

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

TROY JONES,	:	NO: 1:00-CV-00095
	:	
	:	
Plaintiff,	:	
	:	
	:	<b>ORDER</b>
v.	:	
	:	
	:	
HAROLD CARTER, et. al,	:	
	:	
	:	
Defendants.	:	
	:	

This matter is before the Court on Defendants' Oral Motion to Dismiss this Case Pursuant to Fed. R. Civ. P. 41(b).

On November 4, 2003, this matter was set for trial. Defendants appeared and were prepared to defend their case. Plaintiff, however, did not appear as scheduled.

Defendants provided the Court with a background of this case, including its procedural history and the substance of the claim at issue, for the transcript of the proceedings. Defendants explained that Plaintiff was well-aware of the trial date, as evidenced in his participation in the final pretrial conference, and in communication Defense Counsel had with Plaintiff over the last two weeks in preparing for trial. Based on Plaintiff's failure to appear in Court, Defendants orally moved the Court pursuant to Fed. R. Civ. P. 41(b) to dismiss the case for want of prosecution.

Having reviewed this matter, the Court finds Defendants'

oral motion well-taken. Plaintiff was aware of the November 4, 2003 trial date, and Plaintiff failed to appear to prosecute his case. As such, dismissal pursuant to Fed. R. Civ. P. 41(b) is entirely appropriate.

Accordingly, the Court GRANTS Defendants' Motion to Dismiss, and DISMISSES this case WITH PREJUDICE for want of prosecution.

SO ORDERED.

Dated: November 4, 2003

/s/ S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge